

Serial No. 10/790,621  
Page 6 of 9

### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed February 17, 2006. In the Office Action, the Examiner notes that claims 1-17 are pending of which claims 1-8 and 11-16 are rejected and claims 9, 10 and 17 are objected to.

In view of the following discussion, Applicant submits that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103.

It is to be understood that Applicant does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

#### **35 U.S.C. §102 Rejection of Claims 1-6, 8, and 11-16**

The Examiner has rejected claims 1-6, 8, and 11-16 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent 6,560,255 to O'Brien et al. (hereinafter "O'Brien"). Applicant respectfully traverses the rejection.

O'Brien is directed to a laser module characterization apparatus and method. Specifically, a laser module provides multiple beams, which beams are processed by an internal etalon device and an external etalon locker. The external etalon locker is held at a constant temperature and is used to provide a stable or reference response. Deviations between the reference response of the external etalon and the actual response of the internal etalon are used to characterize the laser module. In one embodiment, a computer controls the laser wavelength by controlling the temperature of an optical subassembly (Fig. 2).

The O'Brien reference fails to teach or suggest at least the step of "operating a module defining the representative temperature at a set point corresponding to a generation of an optical power at a wavelength equal to a

439410-1

Serial No. 10/790,621

Page 7 of 9

sum of the wavelength measured using the internal etalon and the correction factor."

Specifically, to the extent that O'Brien controls the temperature of an optical subassembly, that control is provided in response to "temperature readings received via temperature transducer 44 and a combination of internal etalon transducer 38 and internal reference transducer 42 readings" (please see column 4, lines 1-6). O'Brien is silent regarding the use of a correction factor to control temperature. O'Brien does discuss a characteristic (e.g., an internal etalon crossing point), but does not disclose utilizing this characteristic within the context of temperature stabilization (please see last paragraph in column 5). This is not surprising, since the stated purpose of O'Brien is the characterization of a laser module, rather than the temperature stabilization method of the present invention.

Applicant also disagrees with the examiner's contention that portions of the claimed invention are inherently included within O'Brien. For example, in page 3 of the Office Action, it is stated that "...is the summation of the feedback and correction factor which is inherently designed so no overshoot and undershoot can occur...." The examiner then contends that "it is inherent to use patent (' 255) to recite the method of stabilization of the laser wavelength, product by process." Applicant respectfully disagrees. Specifically, these alleged inherent functions are simply not necessary to achieve the laser module characterization purpose of the O'Brien arrangement.

As such, Applicant submits that independent claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Independent claim 11 recites similar relevant claim limitations as recited in independent claim 1 and, therefore, for at least the same reasons discussed above, independent claim 11 also is not anticipated and fully satisfies the requirements of 35 U.S.C. §102. Furthermore, claims 2-6, 8, and 12-16 depend, either directly or indirectly, from independent claims 1 or 11 and recite additional limitations therefrom. As such and at least for the same reasons as discussed above, Applicant submits that these dependent claims are also not anticipated

439410-1

Serial No. 10/790,621

Page 8 of 9

and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claim 7**

The Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over O'Brien. Applicant respectfully traverses the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. However, for at least the reasons discussed above in response to the Examiner's §102 rejection, the O'Brien reference fails to teach or suggest all of the limitations recited in claim 1 and thus fails to teach or suggest Applicant's invention as a whole.

As such, Applicant submits that independent claim 1 is patentable over O'Brien and fully satisfies the requirements of 35 U.S.C. §103. Furthermore, claim 7 depends directly from independent claim 1 and recites additional limitations therefrom. As such and at least for the same reasons as discussed above, Applicant submits that dependent claim 7 is also patentable over O'Brien and fully satisfies the requirements of 35 U.S.C. §103.

Therefore, Applicant respectfully requests that this rejection under 35 U.S.C. §103(a) be withdrawn.

### **ALLOWABLE SUBJECT MATTER**

The Examiner has objected to claims 9, 10, and 17 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for indicating the allowable subject matter with respect to claims 9, 10, and 17. However, in view of the arguments set forth herein, Applicant believes that base claims 1 and 11 (and all intervening claims) are in allowable form and, as such, dependent claims 9, 10, and 17, as they stand, are therefore in allowable condition. Accordingly, Applicant respectfully requests that the foregoing objections to claims 9, 10, and 17 be withdrawn.

439410-1

Serial No. 10/790,621  
Page 9 of 9

### SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

### CONCLUSION

Thus, Applicant submits that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808

439410-1